

**TITLE V: PUBLIC WORKS**

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## CHAPTER 50: GENERAL PROVISIONS

### Section

- 50.01 Responsible party for utility accounts
- 50.02 Availability fee

#### § 50.01 RESPONSIBLE PARTY FOR UTILITY ACCOUNTS.

- (A) A utility account must be registered in the name of the person who will be responsible for the account.
- (B) Applicants must complete the account application form when applying for an account.
- (C) The applicant for a utility account is the person who is responsible to the town for making all payments on the account and for all other matters relating to the account.
- (D) The applicant must either be the property owner or, if the property is a rental unit, the tenant or property owner.
- (E) In the event of the death of the applicant, the account must be updated with a new responsible party within 60 days.  
(Ord. passed 4-5-2011)

#### § 50.02 AVAILABILITY FEE.

Effective 1, September, 2010, an availability fee, equal to the monthly minimum utility charge for that location, will be applied to all inactive utility accounts of inhabitable structures.

- (A) In rental situations, it shall be the responsibility of the owner of the property to pay this fee in the absence of a tenant.
- (B) In the following situations, the availability fee shall be suspended:
  - (1) No structure present on parcel; and/or
  - (2) Structure on parcel determined to be un-inhabitable due to condemnation, fire or act of nature. A state of disrepair, with no condemnation, does not warrant a suspension of this fee.
- (C) A re-establishment fee, equal to 12 months of the availability fee, shall be required in order for utility services to be resumed. For services that have been suspended for a period of less than 12 months, a charge

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derived by multiplying the availability fee by the number of months that the utility service was suspended will be required in order to reestablish service.

(D) In the case of mobile home parks, the absence of a mobile home on a lot shall result in utility service suspension, to be accompanied by the suspension of the availability fee. Re-establishment of utility services to such lots shall follow the procedures as outlined in division (C) above. In the absence of a tenant, the owner of the mobile home park shall be responsible for the availability fee as with all rental situations.  
(Ord. passed 7-6-2010)

## CHAPTER 51: GARBAGE AND REFUSE

### Section

- 51.01 Definitions
- 51.02 Refuse required to be deposited in approved containers
- 51.03 Burning or burying garbage and refuse regulated
- 51.04 Accumulation of garbage and refuse prohibited
- 51.05 Containers required
- 51.06 Pre-collection practices
- 51.07 Location of containers
- 51.08 Unlawful to displace containers
- 51.09 Removal of dead animals
- 51.10 Transportation of garbage and refuse by private citizens
- 51.11 Businesses to use dumpsters
- 51.12 Exceptions
- 51.13 Nonresidents' use of service
- 51.14 Unlawful to allow nonresidents to use service
- 51.15 Garbage and refuse collection rates
- 51.16 Payment
- 51.17 Unlawful to allow nuisance conditions
- 51.18 Regulation of town trash disposal area

51.99 Penalty

Appendix A: Waste Collection Schedule

#### **Statutory references:**

*Authority to regulate disposal of trash within municipal limits, see G.S. § 160A-303.1*

*City may regulate illegal disposal of solid waste, littering, see G.S. § 160A-185*

*Municipal power to require use of solid waste services and to regulate accordingly, see G.S. § 160A-317(b)*

*Requirements for municipal solid waste landfill facilities, see 15A N.C.A.C. §§ 13B.1601 et seq.*

#### **§ 51.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BUILDING MATERIAL SCRAPS.*** Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings therefor.

**GARBAGE.** All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

**REFUSE.** All nonputrescible wastes.

**SOLID WASTE.** Garbage, refuse, rubbish, trash and other discarded solid materials, including solid waste materials resulting from homes, businesses, industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants.

**TREE TRIMMINGS.** Tree limbs, leaves, shrubbery trimmings and cuttings and all other trimmings from the natural growth of trees, shrubbery, weeds, plants or grass.  
(Prior Code, § 22-67)

#### **§ 51.02 REFUSE REQUIRED TO BE DEPOSITED IN APPROVED CONTAINERS.**

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property except in approved containers or as otherwise provided in this chapter.  
(Prior Code, § 22-68) Penalty, see § 51.99

#### **§ 51.03 BURNING OR BURYING GARBAGE AND REFUSE REGULATED.**

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal. In addition, it shall be unlawful to bury any refuse for the purpose of disposal unless a permit therefor has been granted by the Fire Chief.  
(Prior Code, § 22-69) Penalty, see § 51.99

#### **§ 51.04 ACCUMULATION OF GARBAGE AND REFUSE PROHIBITED.**

All garbage and refuse shall be collected and placed in containers as required by this chapter, and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.  
(Prior Code, § 22-70) Penalty, see § 51.99

#### **§ 51.05 CONTAINERS REQUIRED.**

The occupant of every building or premises where garbage and refuse does or may exist shall provide containers made of substantial galvanized iron, plastic, rubber or other non-rusting material in which shall be deposited all garbage and refuse existing at such building or premises. Each container shall be provided with handles or bails and with a tightfitting cover made of the same material as the container. All containers shall be water-tight, and they shall be of a size that can be conveniently handled by the collectors, and no container shall be more than 32 gallons in capacity, and each container shall measure not over 22 inches in diameter nor 30 inches in height. All containers shall be kept in a reasonably clean manner by the use of lye or other effective cleaner.  
(Prior Code, § 22-71) Penalty, see § 51.99

**§ 51.06 PRE-COLLECTION PRACTICES.**

All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. Ashes and cinders shall be placed in a separate container provided for that purpose, and no ashes shall be deposited in any container until they are cold. Containers which fail to have a top as required in § 51.05, or which become rusted or broken and therefore are unable to contain garbage and refuse in a satisfactory manner will not be used.  
(Prior Code, § 22-72) Penalty, see § 51.99

**§ 51.07 LOCATION OF CONTAINERS.**

Containers shall not be placed adjacent to the street or sidewalk, except on the days when garbage is to be collected. A schedule of collection shall be kept on file at the Clerk's office. When collection schedules are altered from time to time, notice of such change shall be given by publishing the new schedule in a newspaper having general circulation in the town. Garbage containers shall be removed from their position adjacent to the street or sidewalk after the contents have been emptied on that same day; provided, that at places of business or manufacturing, empty containers shall not be left on the street for more than 30 minutes between the hours of 9:00 a.m. and 4:00 p.m.  
(Prior Code, § 22-73) Penalty, see § 51.99

**§ 51.08 UNLAWFUL TO DISPLACE CONTAINERS.**

It shall be unlawful for any person to damage, displace or otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.  
(Prior Code, § 22-74) Penalty, see § 51.99

**§ 51.09 REMOVAL OF DEAD ANIMALS.**

Dead animals will be removed from any premises by the town upon notice to the Town Clerk of the existence of such dead animal.  
(Prior Code, § 22-75)

**§ 51.10 TRANSPORTATION OF GARBAGE AND REFUSE BY PRIVATE CITIZENS.**

No person or persons shall collect, handle or transport over or along any of the streets, alleys or other public ways in the town any garbage or refuse without first having obtained a permit therefor from the Town Council.  
(Prior Code, § 22-76) Penalty, see § 51.99

**§ 51.11 BUSINESSES TO USE DUMPSTERS.**

All businesses of whatever kind and description shall acquire and use a dumpster for the purpose of disposing of said business houses' trash and garbage; provided, however, that a business house may acquire and use a

dumpster jointly with other business houses so long as the total volume of trash and garbage disposed of therein does not exceed the capacity of the dumpster so used.

(Prior Code, § 22-77) (Ord. passed 12-10-1974) Penalty, see § 51.99

#### **§ 51.12 EXCEPTIONS.**

If, upon written application to the Town Council, it shall appear to the Town Council from the application or other available evidence that the applying business has such volume of trash and garbage as will not justify the sole ownership of a dumpster and that it is not feasible and reasonable for said applying business to acquire and use a dumpster jointly with other businesses, said business house shall be exempted from the requirements of this chapter so long as the volume of trash and garbage at any one garbage and trash pick-up does not exceed the capacity of a 50-gallon galvanized garbage container.

(Prior Code, § 22-78) (Ord. passed 12-10-1974) Penalty, see § 51.99

#### **§ 51.13 NONRESIDENTS' USE OF SERVICE.**

The depositing of trash and garbage by any nonresident person, firm or corporation of the town in the trash and garbage receptacle, garbage container or garbage dumpster belonging to any person, firm or corporation or used by any person, firm or corporation located within the town limits of the town or the depositing by any such nonresident of the town shall be unlawful. Each such deposit of trash and garbage by a nonresident person, firm or corporation of the town as above set forth shall constitute a separate offense.

(Prior Code, § 22-80) (Ord. passed 3-7-1978) Penalty, see § 51.99

#### **§ 51.14 UNLAWFUL TO ALLOW NONRESIDENTS TO USE SERVICE.**

Any person, firm or corporation resident in the town who consents to or permits any nonresident person, firm or corporation of the town to deposit trash or garbage in any trash or garbage receptacle, garbage container or dumpster belonging to or used by said resident person, firm or corporation of the town shall be punished as in § 51.99.

(Ord. passed 3-7-1978) Penalty, see § 51.99

#### **§ 51.15 GARBAGE AND REFUSE COLLECTION RATES.**

Rates for the collection by the town of garbage, refuse, solid waste, tree trimmings, building scrap materials and trash as provided for in this chapter shall be determined from time to time by the Town Council and shall be kept on file in the office of the Town Clerk.

(Ord. passed 8-2-1983)

#### **§ 51.16 PAYMENT.**

(A) Bills for garbage collection by the town shall be payable on or before the twenty-fifth day of each month.



(B) If the garbage collection fee is not paid on or before the twenty-fifth day of each month, the garbage, refuse, solid waste, tree trimmings, building scrap materials and trash will not be picked up by the town. (Prior Code, § 22-83) (Ord. passed 8-2-1983)

**§ 51.17 UNLAWFUL TO ALLOW NUISANCE CONDITIONS.**

It shall be unlawful for any person residing within or whose business or property is located within the town or within its extraterritorial jurisdiction as described in § 153.45 to allow any of the conditions set forth in § 95.15(B) or (C) to exist upon that person's property or to fail to collect and dispose of garbage, refuse, solid waste, tree trimmings, building material scraps and trash in the manner as provided in this chapter. (Prior Code, § 22-84) (Ord. passed 8-2-1983) Penalty, see § 51.99

**§ 51.18 REGULATION OF TOWN TRASH DISPOSAL AREA.**

(A) Any resident of the town is permitted to deposit tree trimmings and scrap wood not longer than eight feet in length and any other biodegradable solid waste, exclusive of garbage and any pesticide or its residue, in the town trash disposal area after the resident has obtained a trash permit and a key from the police station for use of and entrance into the trash disposal area, between the hours of 8:00 a.m. and 7:00 p.m., Monday through Saturday. A deposit in an amount to be determined from time to time by ordinance will be required for the issuance of the aforesaid key, which deposit will be refunded to the resident upon the return of said key to the police station within 12 hours after it was issued or said deposit will be forfeited to the town for failure of the resident to return said key, as aforesaid.

(B) It shall be unlawful for any person to use or to enter the trash disposal area without the appropriate trash permit or to deposit materials and substances other than those described in this section. (Prior Code, § 22-85) (Ord. 5, passed 5-1-1984) Penalty, see § 51.99

**§ 51.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation who violates the provisions of §§ 51.11 or 51.12 shall be subject to a civil penalty of \$5 per day for each day during which either section is violated.

(C) Violation of § 51.13 shall be punishable by a fine of not more than \$50 or imprisonment not to exceed 30 days. (Prior Code, § 22-80)

(D) Any person, firm or corporation resident in the town who consents to or permits any nonresident person, firm or corporation of the town to deposit trash or garbage in any trash or garbage receptacle, garbage container or dumpster belonging to or used by said resident person, firm or corporation of the town shall be guilty of a misdemeanor punishable by a fine not to exceed \$50 or imprisonment not to exceed 30 days. (Prior Code, § 22-79) (Ord. passed 12-10-1974; Ord. passed 3-7-1978)



## APPENDIX A: WASTE COLLECTION SCHEDULE

<i>Type of Waste</i>	<i>Day</i>	<i>Instructions</i>
Bulky items (furniture, appliances and the like)	Second and fourth Thursdays	Place items at street by 7:30 a.m.
Household garbage	Mondays	Place roll-out cart at street by 6:30 a.m. (items that will not fit in cart should be placed beside cart at street)
Leaves, grass clippings, pine straws	Wednesdays	Place in long lines by the curb by 7:30 a.m. Please do not put into large round mounds and do not mix with sticks, limbs, brush or other yard debris
Recycling items	Mondays	Place recycling bin at street by 6:30 a.m.
Yard waste (limbs, brush) North of Washington Street	Tuesdays	Place in piles by the street by 7:30 a.m. No items may exceed six feet in length or be heavier than one person can handle
Yard waste (limbs, brush) South of Washington Street	Mondays	Place in piles by the street by 7:30 a.m. No items may exceed six feet in length or be heavier than one person can handle

(Prior Code, App. E)



## CHAPTER 52: GENERAL WATER AND SEWER SERVICES

### Section

#### *General Provisions*

- 52.01 Pertinent provisions part of contract
- 52.02 Where mains will be laid without assessment
- 52.03 Laterals to be laid only to inside of curb
- 52.04 Extension of laterals
- 52.05 Connections to be made within 30 days after mains ready for use
- 52.06 Connections to be made only by the town
- 52.07 Connection to be made only upon application
- 52.08 Application for connections
- 52.09 Sewer connections to be made where openings provided
- 52.10 Separate connection required
- 52.11 Connections and meters to remain property of the town
- 52.12 Maintenance of meters
- 52.13 Connection from outside town
- 52.14 Water and sewer rates
- 52.15 Sewer lead in lines

#### *Water and Sewer Extensions*

- 52.30 General principles
- 52.31 Basic policy
- 52.32 Financing extensions
- 52.33 Financing improvements other than water and sewer

#### *Cross-references:*

*Availability fee, see § 50.02*

*Backflow prevention, see Chapter 54*

*Responsible party for utility accounts, see § 50.01*

*Water supply, see Chapter 53*

#### *Statutory references:*

*City may establish and revise fees and rates for services furnished, see G.S. § 160A-314(a)*

*Municipal power to require connections to water or sewer service, see G.S. § 160A-317*

*Municipalities authorized to operate public enterprises including water and sewer services, see G.S. § 160A-312*

*Public enterprises defined, see G.S. § 160A-311*

**GENERAL PROVISIONS****§ 52.01 PERTINENT PROVISIONS PART OF CONTRACT.**

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the town furnishes sewer or water service to any person, or whereby the town makes any sewer or water connections or performs any work of any kind in connection with the furnishing of such services.  
(Prior Code, § 54-11)

**§ 52.02 WHERE MAINS WILL BE LAID WITHOUT ASSESSMENT.**

Water mains will not hereafter be laid in any streets of the town without assessment therefor, except in those streets where the Council may order increased size water mains for additional water distribution or fire protection.  
(Prior Code, § 54-12)

**§ 52.03 LATERALS TO BE LAID ONLY TO INSIDE OF CURB.**

Water or sewer laterals laid as a part of any water or sewer main improvement shall be laid only to the inside of the curb, unless in the resolution ordering the improvement the Council specifically directs otherwise.  
(Prior Code, § 54-13)

**§ 52.04 EXTENSION OF LATERALS.**

After laterals are laid from water or sewer mains to the inside of the curb, no lateral shall be extended to the property line until the owner or occupant of the property to be served thereby applies therefor.  
(Prior Code, § 54-14)

**§ 52.05 CONNECTIONS TO BE MADE WITHIN 30 DAYS AFTER MAINS READY FOR USE.**

Within 30 days from the time when any water main in any street is completed and ready for use, the owner of every abutting lot shall cause such lot to be connected with the water main.  
(Prior Code, § 54-15)

**§ 52.06 CONNECTIONS TO BE MADE ONLY BY THE TOWN.**

The construction of laterals for the connection of water pipes on any lot with water pipes in any street, and the necessary excavation thereof, shall be done only by the Water Department in cooperation with the Street Committee.  
(Prior Code, § 54-16)

**§ 52.07 CONNECTION TO BE MADE ONLY UPON APPLICATION.**

No connection shall be made to any water lateral, except after the written application therefor has been approved by the Plumbing Inspector.

(Prior Code, § 54-17)

**§ 52.08 APPLICATION FOR CONNECTIONS.**

Every application for a sewer or water connection shall state the name of the owner of the lot; the name of the street on which such lot is situated, the number of the house, if there is one on the lot, or, if not, a description of the location of the lot; the number and kind of connections desired; and the character of surface of the abutting street. Every such application shall be signed by the person making the application shall be accompanied by the proper fee for making the connection applied for.

(Prior Code, § 54-18)

**§ 52.09 SEWER CONNECTIONS TO BE MADE WHERE OPENINGS PROVIDED.**

Every sewer connection made directly to a main shall be made at the Y provided for the lot to be served; but if no Y has been provided for the lot, then such connection may be made directly to the main at any convenient point.

(Prior Code, § 54-19)

**§ 52.10 SEPARATE CONNECTION REQUIRED.**

Every house or building abutting any water and requiring a water connection shall be separately and independently connected, except in those cases where laterals have already been laid in macadam or improved streets from such main without provision being made for such house or building, in which case the connection may be made to an existing lateral. If such house or building is on macadam or improved street where laterals have not been laid, the connection may be made to any convenient lateral. When two or more houses or units are connected with the same water lateral, a separate meter shall be provided for each house or unit.

(Prior Code, § 54-20)

**§ 52.11 CONNECTIONS AND METERS TO REMAIN PROPERTY OF THE TOWN.**

All meters, meter boxes, pipes and other equipment furnished and used by the town in installing any water or sewer connection shall be and remain the property of the town.

(Prior Code, § 54-21)

**§ 52.12 MAINTENANCE OF METERS.**

All meters, except such as are required to be furnished by particular users of water, shall be kept in good repair and working order by and at the expense of the town. Meters furnished by particular users of water shall be kept in good repair and working order by the town but the expense thereof shall be borne by such users.

(Prior Code, § 54-22)

**§ 52.13 CONNECTION FROM OUTSIDE THE TOWN.**

No connection of any water or sewer line or system outside the town shall be made to any part of the town water or sewer system without special permission from the Council, and on such terms as it shall prescribe.  
(Prior Code, § 54-23)

**§ 52.14 WATER AND SEWER RATES.**

Water rates and water and sewer connection charges shall be determined from time to time by the Council and shall be kept on file in the office of the Town Clerk. It shall be unlawful for any person or persons, other than a person authorized by the town officials, to cut on the town supply of water.  
(Prior Code, § 54-24) Penalty, see § 10.99

**§ 52.15 SEWER LEAD IN LINES.**

There shall be installed by the property owner at the town property line a Y combination in all sewer lead-in lines and the plumbing inspector shall have the power to stop and prevent the installation of any sewer lead-in line until said Y combination has been installed.  
(Prior Code, § 54-25)

***WATER AND SEWER EXTENSIONS*****§ 52.30 GENERAL PRINCIPLES.**

The planning and extension of the water and sewer system of the town should be accomplished in accordance with the following general principles.

(A) Extensions shall be made in a manner so as to promote the orderly growth of the community without regard to town boundaries.

(B) An outfall acreage charge shall be established to aid in the financing of new major sewage collection facilities and the replacement or enlargement of existing facilities. This charge shall apply uniformly to all properties to which service is extended after the adoption of this policy.

(C) Developers of subdivisions shall be responsible for the full cost of installing water mains and sewer lines within their own subdivisions and for sharing in the cost of outfalls. The initial cost of outfalls shall be borne by one or more developers, with reimbursement for costs in excess of their proportionate shares.

(D) Extensions of water mains and sewer lines to properties located outside of subdivisions under development shall be financed by the owners of the benefitted property.



(E) Expenditures for construction, enlargement and replacement of sewage treatment facilities; for the construction and replacement of outfalls to the extent that outfall acreage charges are inadequate; for the maintenance and repair of the sewage collection system; and for the operation of all sewerage facilities shall be met from sewer service charges and from taxation.

(F) The town shall be responsible for the maintenance, operation and control of all sewerage facilities and water facilities.

(Prior Code, § 54-103) (Ord. passed 2-6-1973)

### § 52.31 BASIC POLICY.

Each developer of land shall be responsible for providing sewage line connections between his or her property and an approved public sewage disposal system or an approved individual system. The developer shall be reimbursed for that portion of the cost of such installation which is in excess of an acreage charge, such reimbursement to come from acreage charges levied against property developed subsequent to the installation of his or her connection and utilizing said connection.

(Prior Code, § 54-104) (Ord. passed 2-6-1973)

### § 52.32 FINANCING EXTENSIONS.

#### (A) *Outfall acreage charges.*

(1) Outfall acreage charges shall be made against the total acreage within each lot or tract to which sewer service is extended after December 1, 1973. The outfall acreage charge shall be collected by the town before permission is granted to connect sewer lines serving any property with sewer lines or facilities of the town.

(2) The schedule of outfall acreage charges shall be as follows.

#### (a) *Residential development.*

1. An outfall acreage charge of \$125 per acre shall be made against all general residential development with four or fewer dwelling units per acre to be served.

2. The outfall acreage charge for residential development with more than four dwelling units per acre shall be increased above \$100 per acre in proportion to the number of dwelling units per acre, above four, to be served. (For example, the charge for development with eight dwelling units per acre would be double the charge for general residential development, or \$200.)

(b) *Commercial development.* An outfall acreage charge of \$125 per acre shall be made against all commercial acreage to be served.

(c) *Industrial development.* The outfall acreage charge for all industrial acreage to be served shall be individually established by the Town Council with consideration for the anticipated volume and characteristics of the sewage flows to be received therefrom, but in no case shall the rate per acre be less than for general residential development.

(d) *Governmental development.* The outfall acreage charge for all acreage to be served which is owned by the town, the County Board of Education, Pitt County, State of North Carolina, or the United States of America shall be individually established by the Town Council, but in no case shall the rate per acre be less than for general residential development. All land within any lot or tract dedicated to the public for use as streets, highways, alleys, parks and playgrounds shall be excluded in the calculation of the total acreage against which an outfall acreage charge is made. The total outfall acreage charge for any tract or lot on which there is but one residential dwelling unit shall not exceed the charge for five acres; provided, in cases covered by this provision, the owner shall designate the five acres against which the charge is to be credited and the acreage charge against any remaining acreage shall be made when service is extended to any structure thereon.

(B) *Subdivisions.* With respect to the installation and financing of water mains and lines and sewers to serve subdivisions, the following policies shall apply.

(1) *Specifications.* All installations shall be made according to specifications of the town, including the size of all lines, their locations, grade and material used.

(2) *Ownership and control.* All lines constructed and connected with the facilities of the town under these policies shall become the property of the town upon their completion. The town shall have exclusive control of all such lines and shall be responsible for their maintenance, repair and operation.

(3) *Contracts.* All installations made under a reimbursement agreement shall be accomplished under contracts let after the receipt of sealed competitive bids. The town shall exercise general supervision over the letting of such contracts in order to assure the securing of free competition on such contracts.

(4) *Exclusions and exemptions.* There is excluded and excepted from this subchapter all lots in subdivisions which have been subdivided, platted and the plats recorded in the Public Registry of the county, and where the town has done any act by way of acceptance thereof; provided, the lots in said subdivision have been listed with the county and with the town for taxes as separate and distinct lots in accordance with said plat or plats prior to the date of the enactment of the 1975 Code.  
(Prior Code, § 54-105) (Ord. passed 2-6-1973)

### § 52.33 FINANCING IMPROVEMENTS OTHER THAN WATER AND SEWER.

All improvements in subdivisions required pursuant to the subdivision ordinance of the town shall be provided by the subdivider, developer or owner at no cost to the town; however, upon the acceptance of said subdivision pursuant to the provisions of the subdivision ordinance of the town, the town shall thereafter be the owner of said improvements and shall maintain the same.  
(Ord. passed 2-6-1973)

## CHAPTER 53: WATER SUPPLY

### Section

#### *General Provisions*

- 53.01 Unmetered service
- 53.02 Water for fire protection
- 53.03 Fire protection pipes
- 53.04 Testing fire protection pipes
- 53.05 Deposit to be made by tenants
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#### *Water Shortage Response*

- 53.25 Responsible authority for enacting the water shortage response plan
- 53.26 Public notification of water use policies and restrictions
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#### *Statutory references:*

*Local governments providing public water must prepare local water supply plan, see G.S. § 143-355(l)*

### **GENERAL PROVISIONS**

#### **§ 53.01 UNMETERED SERVICE.**

(A) All applications for unmetered services larger than two-inch, such as fire services, automatic sprinkler systems and the like, must be made to the Water Committee.

(B) Wherever water is furnished for fire sprinklers by the town, a charge will be made of \$0.10 per 1,000 gallons for filling the tank connecting with the sprinkler system, and whenever it becomes necessary to empty said

tank and refill the same, it shall be reported at once to the Water Department and a bill rendered for same. Upon failure to so notify the Department, a bill shall be rendered against the party for amount of water used, and water shall be shut off from said supply until the bill is paid, and if the practice of emptying and refilling tanks without notifying the Department is indulged in by any person enjoying this privilege, a meter shall be placed on the bypass of the main to the tank and a charge of \$0.10 per 1,000 gallons shall be made according to the reading of the meter.

(Prior Code, § 54-34)

#### **§ 53.02 WATER FOR FIRE PROTECTION.**

Whenever water is used on any unmetered service for fire protection in actual case of conflagration, no charge will be made for same, provided the Water Department is notified in writing within 24 hours after all fires.

(Prior Code, § 54-35)

#### **§ 53.03 FIRE PROTECTION PIPES.**

Pipes for fire protection must be fitted with such fixtures only as are needed for fire protection. A valve must be placed just inside the premises to control the entire supply. All such valves must be sealed by the Water Department, and in no case shall this seal be broken, except in case of actual fire. After notification that the seal has been broken, it shall be the duty of the Inspector to reseal these valves. The Water Department shall have power, in its discretion, to require all such fire services to be provided with a meter to be put in at any time.

(Prior Code, § 54-36)

#### **§ 53.04 TESTING FIRE PROTECTION PIPES.**

Parties having connections for fire protection can test their fire apparatus at any time under the following conditions.

(A) Notice is to be given at the water office that such test is desired, and date and hour shall be assigned the applicant when test may begin.

(B) All tests must be made in the presence of an employee of the Water Department, whose duty it shall be to remove and replace the seals of the Department.

(Prior Code, § 54-37)

#### **§ 53.05 DEPOSIT TO BE MADE BY TENANTS.**

When any tenant of any premises makes application for water to be furnished such premises, he or she shall be required to make a deposit as hereinafter set out to guarantee the payment of water rent. If, at the expiration of the time limited by this chapter for the payment of rent for any month or any quarter, the tenant has failed to pay his or her water rent due for the month or quarter, such portion of the deposit as may be necessary shall be applied to the payment of the water rent. Thereupon, the water shall be cut off from the premises and shall not be turned on again until the balance of such deposit is increased to the original amount thereof. When the tenant has the water finally cut off, he or she shall, upon payment of all water rent due, be entitled to the return of his or her deposit, or the balance thereof; provided, that if the tenant vacates the premises without notifying the Water

Department and having the water cut off he or she shall forfeit any balance of such deposit remaining after the water rent due has been deducted therefrom. The amount of such required deposits shall be determined from time to time by the Council, and shall be kept on file in the office of the Town Clerk. The making of the deposit required by this section shall not operate to relieve any premises of liability for the payment of any water bill incurred thereon by any tenant of the premises except to the extent of such deposit. Every landlord renting or leasing premises to tenants required by this section to make said deposit shall immediately notify the Water Department upon the vacation of the rented or leased premises by the tenant.  
(Prior Code, § 54-38)

#### **§ 53.06 WHEN METERS READ AND BILLS PAID.**

Meters shall be read monthly and bills therefor shall be payable on or before the fifth day of each month, and a discount as and if determined from time to time by ordinance if paid on or before said date.  
(Prior Code, § 54-39)

#### **§ 53.07 BILLS FOR WATER RENTS.**

Bills for water rents shall be based on the actual reading of the amount of water used, except that when the amount of water used is not registered because of a defective meter, the bill rendered shall be for the average amount heretofore used by the premises served by such meter during the preceding three months, or during the portion of such period for which water rent records are available; or if water was not consumed by the premises through the meter during such preceding period, the bill rendered shall be for the average period, and for the average amount of other services of the same class in the town during the period covered by the bill. Bills shall be rendered separately for each service or connection. When more than one family or group is furnished water through a single meter, the bill therefor shall be furnished only to the person upon whose application such water was furnished. All bills shall be made out and mailed as early as practicable after the close of the month or quarter covered by such bills.  
(Prior Code, § 54-40)

#### **§ 53.08 NOTICE TO BE GIVEN DELINQUENTS.**

When any consumer becomes delinquent in the payment of water rent, there shall be served upon him or her a written notice to the effect that if the rent due is not paid on or before the date named in such notice, the water will be cut off.  
(Prior Code, § 54-41)

#### **§ 53.09 SUSPENSION OF SERVICE; DISCONNECTION FOR LATE PAYMENT.**

(A) If any bill is not paid by or before the stated due date, a second bill will be mailed containing a cutoff notice that if the bill is not paid in ten days of the mailing of the second bill, service will be discontinued for nonpayment.

(B) Upon discontinuance of service for nonpayment of bills, the deposit shall be applied by the town towards settlement of the account. Any balance in excess of \$1 shall be refunded to the user; but if the deposit is not

sufficient to cover the bill, the town may proceed to collect the balance in the usual way provided by law for the collection of debts.

(C) Service discontinued for nonpayment of bills shall be restored only after bills are paid in full for the entire period of discontinuance, the deposit is restored to the required levels and a service charge as set forth by the Town Council in the town's fee schedule. Reconnections and reinstallations after regular business hours are available only at the discretion of the Water Department.

(D) The town reserves the right to discontinue its service without notice for the following additional reasons:

- (1) To prevent fraud or abuse;
- (2) User's willful disregard of the town's rules and regulations;
- (3) Emergency repairs to municipal property;
- (4) Insufficiency of supply due to circumstances beyond the town's control;
- (5) Legal processes;
- (6) Direction of public authorities having jurisdiction over such matters; or
- (7) Strike, riot, fire, flood or accident of any unavoidable cause.

(E) Any person tampering with, reconnecting or bypassing any meter upon premises where service has been disconnected for failure to pay bills shall be punished pursuant to the provisions of G.S. § 14-151, and shall be subject to all penalties and enforcement provisions set forth by the town.

(F) The town's Public Services Department may, in addition to prosecution by law, permanently refuse service to any user who tampers with a meter or measuring device.  
(Ord. passed 11-3-2015)

#### **§ 53.10 CUTTING ON WATER AFTER DISCONTINUANCE.**

After water has been cut off as provided in § 53.09, it shall not be cut on again until all water rent due for the premises affected is paid together with a cut-on fee determined from time to time by the Town Council and kept on file in the office of the Town Clerk.  
(Prior Code, § 54-43)

#### **§ 53.11 WATER CUTOFF IN CASE OF EMERGENCY.**

The Water Committee and proper officers of the Water Department may stop the supply of water in case of emergency, and shut it off for repairs or extensions, they being the judges of the time and necessity, reasonable notice to be given when practicable. Neither the Water Committee nor the town shall be liable in damages for any insufficiency of water.  
(Prior Code, § 54-44)

**§ 53.12 EXPENSE OF WATER SERVICE OUTSIDE OF TOWN LIMITS.**

Parties living outside of the town limits, using town water, must pay for the same 100% more than those residing within the limits, and subject to such conditions as the water committee may from time to time deem for the best interests of the town.  
(Prior Code, § 54-45)

**§ 53.13 EXPENSE OF SEWER SERVICE OUTSIDE OF THE TOWN.**

(A) Any holder of property outside of the town desiring to connect with sewer system of the town shall first make application to the Superintendent for a permit and no permit shall be granted unless approved by the superintendent of the Water Department and the inspector of plumbing. Said application shall be accompanied by a check in the sum, and according to criteria, as determined from time to time by ordinance.

(B) All plumbing work outside the corporate limits which is to be connected to the town sewer system shall be subject to all provisions of this chapter as regards the payment of fees, inspection and work.  
(Prior Code, § 54-46)

**§ 53.14 RIGHTS OF ENTRY.**

The officers and employees of the Water Department shall have the right at all hours to enter upon any premises where the town water is taken, for the purpose of inspecting the pipes and fixtures, setting, reading and repairing meters, turning water off or on, and enforcing rules generally.  
(Prior Code, § 54-47)

***WATER SHORTAGE RESPONSE***

**§ 53.25 RESPONSIBLE AUTHORITY FOR ENACTING THE WATER SHORTAGE RESPONSE PLAN.**

(A) The authority responsible for enacting the water shortage response plan is the governing body of the town. In the event that water demand on the town water system may exceed supply and transmission capabilities, the Director of Public Works may recommend to the governing body of the town that voluntary water conservation measures be implemented via water shortage response ordinance. In the event that voluntary conservation measures fail to relieve the demand on the water system, the town may implement mandatory or emergency water conservation measures via water shortage response ordinance.

(B) All municipalities, water corporations and companies purchasing water from the town will adopt and enforce the water shortage response plan for the town as a condition of water sales agreements.  
(Prior Code, § 54-68) (Ord. passed 1-6-2004)

**§ 53.26 PUBLIC NOTIFICATION OF WATER USE POLICIES AND RESTRICTIONS.**

Public information regarding voluntary, mandatory and emergency conservation policies, restrictions and ordinance violation penalties should be concise, accurate, current and easily accessible to the general public affected by this WSRP.

(Prior Code, § 54-69) (Ord. passed 1-6-2004)

**§ 53.27 IDENTIFICATION OF WATER USE CLASSIFICATIONS.**

(A) *Class 1: Essential water uses.* The following drinking water uses have been determined to be essential water uses of potable water provided by the town in the event of a water supply shortage:

(1) Domestic use: water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation;

(2) Health care facilities, assisted living homes, retirement homes. Patient care and rehabilitation; and

(3) Public use:

(a) Firefighting, including testing and drills by the Fire Department if performed in the interest of public safety and if approved by the governing body of the town.

(b) Flushing of sewers and hydrants as needed to ensure public health and safety and if approved by the governing body of the town.

(B) *Class 2: Socially or economically important uses of water.* The following drinking water uses have been determined to be socially or economically important uses of water provided by the town in the event of a water supply shortage:

(1) Domestic use: all domestic uses other than those included in Classes 1 and 3:

(a) Home water use including kitchen, bathroom and laundry use;

(b) Minimal watering of vegetable gardens; and

(c) Watering of trees where necessary to preserve them.

(2) Commercial, agricultural, industrial and institutional uses:

(a) Outdoor commercial watering (public or private) using conservation measures and to the extent that sources of water other than fresh water are not available to use;

(b) Irrigation for commercial vegetable gardens and fruit orchards or the maintenance of livestock;

(c) Watering by commercial nurseries at a minimum level necessary to maintain stock;

(d) Water use by arboretums and public gardens of national, state or regional significance where necessary to preserve specimens;



(e) Use of fresh water at a minimum rate necessary to implement vegetation following earth moving, where such vegetation is required by law or regulation;

(f) Watering of golf course greens;

(g) Filling and operation of swimming pools:

1. Residential pools which serve more than 25 dwelling units;
2. Pools used by health care facilities for patient care and rehabilitation; and
3. Municipal pools.

(h) Commercial car and truck washes;

(i) Commercial laundromats;

(j) Restaurants, clubs and eating places;

(k) Air conditioning:

1. Refilling for start up at the beginning of the cooling season;
2. Make-up of water during the cooling season; and

3. Refilling specifically approved by health officials and the municipal governing body, where the system has been drained for health protection or repair purposes.

(l) Schools, churches, motels/hotels and similar commercial establishments; and

(m) Manufacturing/industrial processes critical to operation of facilities.

(C) *Class 3: Nonessential uses of water.* The following drinking water uses have been determined to be nonessential uses of water provided by the town in the event of a water supply shortage:

(1) Ornamental purposes: fountains, reflecting pools and artificial waterfalls;

(2) Outdoor noncommercial watering (public or private):

(a) Gardens (except vegetable gardens), lawns, parks, golf courses (except greens), playing fields and other recreational areas;

(b) Filling and operation of recreational swimming pools which serve fewer than 25 dwellings;

(c) Noncommercial washing of motor vehicles;

(d) Serving water in restaurants, clubs or eating places except by specific request; and

(e) Air conditioning: refilling cooling towers after draining except as specified in Class 2.

## (3) Public use:

(a) Fire hydrants: any purpose, including use of sprinkler caps and testing fire apparatus and for Fire Department drills, except as listed in Class 1; and

(b) Flushing of sewers and hydrants except as listed in Class 1.  
(Prior Code, § 54-70) (Ord. passed 1-6-2004)

### § 53.28 CONSERVATION MEASURES AND RESTRICTIONS.

The general public should be informed of the following conservation measures for indoor, outdoor, health care facility, assisted living, retirement home, institutional and industrial use.

(A) *Phase 1: Voluntary conservation measures.* When the town declares that voluntary conservation conditions exist, the general public should conserve as much water and shall be encouraged to adhere to the following measures.

(1) *Indoor use.*

(a) Use dishwashers only when they are full.

(b) The use of disposable and biodegradable dishes is encouraged.

(c) Use washing machines only when full loads of laundry are to be washed.

(d) Turn off faucets while brushing teeth, shaving, washing dishes and the like.

(e) Reduce water used per flush by installing toilet tank displacement inserts. A plastic jug may often be used as an alternative. Do not use bricks; they disintegrate when soaked and the resulting grit hinders closing of the flap valve.

(f) Do not use the toilet as a garbage disposal.

(g) Use sink and tub stoppers to avoid wasting water.

(h) Keep a bottle of chilled water in the refrigerator for drinking, to avoid running water until it is cold.

(i) Fix leaky faucets, toilets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.

(j) Take shorter showers and shallow baths. Shorter showers are recommended over baths.

(k) Don't use a garbage disposal.

(l) Use non-phosphate detergent and save laundry water for lawns and plants.

(m) Adapt plumbing with flow-restricting or other water-saving devices. These are usually inexpensive and easy to install.

(n) Limit hours of operation of water-cooled air conditioners.

(2) *Outdoor use.*

(a) *Lawns.*

1. Limit lawn and garden watering to that which is necessary for plants to survive.
2. Water before 10:00 a.m. to reduce evaporation.
3. Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water.
4. Water thoroughly, not frequently: long enough to soak roots. A light sprinkling evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.
5. Don't let the sprinkler run any longer than necessary. Use an alarm clock or stove timer to remind you to shut off sprinklers that don't have timers.
6. Allow maximum of one inch of water per week on your lawn. To measure, place cake tins outside to collect rain and water from sprinklers.
7. Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.
8. Aerate lawns by punching holes six inches apart. This allows water to reach roots rather than run off surfaces.
9. Position sprinklers to water the lawn, not the pavement.
10. Keep sprinkler heads clean to prevent uneven watering.
11. Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist waste water through evaporation.
12. Know how to turn off an automatic sprinkler system in case of rain.

(b) *Vegetable and flower gardens.*

1. Water deeply, slowly and weekly. Most vegetables require moisture to a depth of six to eight inches.
2. Keep soil loose so water can penetrate easily.
3. Keep weeds out to reduce competition for water.

4. Put the water where you want it and avoid evaporation by using soil-soakers or slow-running hoses, not sprinklers.

(c) *Trees and shrubs.*

1. Water deeply using a soil-soaker or drip-irrigation.
2. Water only when needed. Check the depth of soil dryness by digging with a trowel.
3. Mulch to reduce evaporation. A two-inch to three-inch layer of wood chips, pine needles, grass clippings or straw keeps the soil cool in summer.
4. Dig troughs around plants to catch and retain water.
5. Water trees growing in full sun more often than those in shade.
6. Do not use sprinklers. Apply water directly at base.
7. Do not fertilize during the summer. Fertilizing increases a plant's need for water.
8. Postpone planting until fall or spring when there is generally less need for water.
9. Install trickle-drip irrigation systems close to the roots of your plants. By dripping water slowly, the system doesn't spray water into the air. Use soil probes for large trees.
10. Water when cloudy.

(3) *Other use.*

- (a) Limit car washing to a minimum.
- (b) Do not allow children to play with hose or sprinklers.
- (c) Temporarily delay new landscape work.
- (d) Do not wash outside areas such as sidewalks, patios, parking lots and the like.
- (e) Catch rainfall for watering by placing containers under drain spouts.
- (f) Use leftover household water if available.
- (g) Determine the amount of water being used outdoors by comparing water bills for summer and winter.

(4) *Health care facility, assisted living and retirement home use.*

- (a) Reduce laundry usage or services by changing linens and the like, only when necessary to preserve the health of patients or residents.

(b) Use disposable food service items.

(5) *Institutional and industrial use.*

(a) Identify and repair all leaky fixtures and water-using equipment. Give special attention to equipment connected directly to water lines, such as processing machines, steam-using machines, washing machines, water-cooled air conditioners and furnaces.

(b) Assure that valves and solenoids that control water flows are shut off completely when the water-using cycle is not engaged.

(c) Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.

(d) Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.

(e) For processing, cooling and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.

(f) Install toilet tank displacement inserts; place flow restrictors in shower heads and faucets; close down automatic flushes overnight.

(g) Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.

(h) Place water-saving posters and literature where employees, students, patients, customers and the like will have access to them.

(i) Check meters on a frequent basis to determine consumptive patterns.

(j) Review usage patterns to see where other savings can be made.

(B) *Phase 2: Mandatory conservation measures and restrictions.* When the town declares that mandatory conservation conditions exist, the general public shall be required to adhere to the following restrictions, in addition to the voluntary guidelines already in effect.

(1) All Class 3 water uses are banned during this phase.

(2) No residential washing of cars or any other type of automobiles or transport equipment.

(3) No washing of outside areas such as sidewalks, driveways, patios, streets, service station aprons, parking lots, office buildings, homes.

(4) Watering of lawns will be permitted only once per week per customer and only from the hours of 5:00 a.m. to 6:00 a.m.

(5) Vegetable gardens and fruit trees should be given minimal amounts of water on an individual basis only.

(6) Do not water inedible plants.

(7) Do not use sprinklers.

(C) *Phase 3: Water shortage emergency measures and restrictions.* When the town declares that water shortage emergency conditions exist, the general public shall be required to adhere to the following restrictions, in addition to the voluntary and mandatory guidelines already in effect.

(1) All Class 2 and Class 3 water uses are banned during this phase.

(2) Turn off shower while soaping up.

(3) Do not use water outside for any use other than drinking or emergencies such as a fire.

(4) Use of disposable eating utensils and plates is strongly encouraged for home use and at all eating establishments.

(Prior Code, § 54-71) (Ord. passed 1-6-2004)

### § 53.29 DECLARATION OF PHASED CONSERVATION MEASURES AND RESTRICTIONS.

(A) *Phase 1: Declaration of voluntary conservation.*

(1) Voluntary conservation shall be initiated when a potential water supply shortage exists, which is indicated when:

(a) Daily use is greater than the 18-hour production of the wells one day within a 30-day period;

or

(b) The pumping water levels are below the top of the aquifer.

(2) When the governing body of the town finds that a potential water supply shortage is indicated, it shall be empowered to declare by adoption of an ordinance (water shortage response ordinance) that voluntary conservation conditions exist, and that the director of public works, on a daily basis, monitors the supply and demand upon that supply. In addition the governing body is authorized to call upon all water customers to employ voluntary water conservation measures to limit water use (especially Class 3 uses) and eliminate the waste of water. This resolution shall be published in a newspaper of general circulation in the area which qualifies under G.S. § 1-597, and may be publicized through the general news media or any other appropriate method for making such resolutions public. A water shortage advisory shall be issued.

(B) *Phase 2: Declaration of mandatory conservation.*

(1) Mandatory conservation shall be initiated when water supplies are consistently below seasonal averages and the continued decline of water supplies would result in a water supply shortage due to an inadequate water supply to meet normal needs.

(2) This is indicated when:

(a) Daily use is greater than the 18-hour production of the wells for two days or more within a 30-day period;

(b) The pumping water levels are below the top of the aquifer for a period greater than 30 days;  
or

(c) Equipment failure, facility failure or contamination in raw water quality results in discontinued use of one or more groundwater wells, resulting in pumping times greater than 18 hours for the remaining wells for a period less than 30 days.

(3) When the governing body of the town finds raw water supplies to be consistently below seasonal averages, and if they continue to decline and may not be adequate to meet normal needs, it shall be empowered to declare by adoption of an ordinance (WSRO) that mandatory conservation conditions exist. The governing body of the town shall continue to encourage voluntary water conservation measures defined under the voluntary conservation declaration, and further shall impose a ban on all Class 3 Nonessential Uses of Water Uses for the duration of the shortage until it is declared ended by ordinance of the governing board. Publication of these ordinances shall follow the provisions declaration in § 53.26. A water shortage alert shall be issued.

*(C) Phase 3: Declaration of a water shortage emergency.*

(1) A water shortage emergency shall be initiated when raw water supplies are below the level necessary to meet normal needs and a serious water supply shortage exists.

(2) This is indicated when:

(a) Daily use is greater than the 18-hour production of the wells for four days or more within a 30-day period;

(b) The pumping water levels are below the top of the aquifer for a period greater than 90 days;  
or

(c) Equipment failure, facility failure or contamination in raw water quality results in discontinued use of one or more groundwater wells, resulting in pumping times greater than 18 hours for the remaining wells for a period greater than or equal to 30 days.

(3) When the governing body of the town finds that raw water supplies are below the level necessary to meet normal needs and a serious water supply shortage exists, it shall be empowered to declare by adoption of an ordinance (WSRO) that a water shortage emergency exists. Class 1 Essential Uses shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all Class 2 Socially or Economically Important Uses shall be banned in addition to the Class 3 Nonessential Uses. These restrictions shall continue until the emergency is declared ended by ordinance of the governing body. Publication of these ordinances shall follow the provisions in § 53.26. A water shortage emergency shall be issued.

(Prior Code, § 54-72) (Ord. passed 1-6-2004)





## CHAPTER 54: BACKFLOW PREVENTION

### Section

- 54.01 Definitions
- 54.02 Purpose
- 54.03 Elimination of cross-connections
- 54.04 Installation, testing and maintenance of backflow prevention assemblies
- 54.05 Health hazard facilities
- 54.06 Non-health hazard facilities
- 54.07 Lawn irrigation systems
- 54.08 Fire sprinkler systems
- 54.09 Right of entry
- 54.10 Responsibility of customer
- 54.11 Unapproved source of supply
  
- 54.99 Penalty

### § 54.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AIR GAP SEPARATION.** The unobstructed vertical distance through the atmosphere between the lowest point opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved **AIR GAP SEPARATION** shall be at least double the diameter of the supply pipe. In no case shall the **AIR GAP SEPARATION** be less than one inch.

**APPROVED.** When used in reference to a water supply, a water supply that has been approved by the State Department of Environment, Health and Natural Resources, Division of Health Service.

**BACKFLOW.** Any flow of water, liquid, gas or other substance, or any combination thereof, into the distribution piping of a potable water supply from any source.

**BACKFLOW PREVENTION ASSEMBLY.** An approved assembly or method used to prevent backflow from occurring in the potable water supply.

**BACK-PRESSURE BACKFLOW.** Backflow caused by a pump, elevated tank, boiler or other means that could create pressure within the consumer's water system that is greater than the supply pressure.

**DOUBLE CHECK DETECTOR ASSEMBLY.** A specially designed assembly composed of a line size approved double check valve assembly with a specific bypass water meter and a meter sized approved double check valve assembly. The meter shall accurately register in U.S. gallons for only very low rates of flow and shall show a registration for all rates of flow. The *ASSEMBLY* shall only be used to protect against a non-health hazard.

**DOUBLE CHECK VALVE ASSEMBLY.** An assembly composed of two independently acting, approved check valves, including tightly closing shutoff valves attached at each end of the assembly and fitted with properly located test cocks.

**POTABLE WATER.** Water from any source which has been approved for human consumption by the appropriate agency of the state.

**PRIVATE WATER SYSTEM.** A system of pipes or other associated facilities that is not part of the town's public water system and is used to move or receive water, regardless of the source of water in such system.

**REDUCED PRESSURE PRINCIPLE ASSEMBLY.** An assembly containing within its structure a minimum of two independently acting, approved check valves, together with an automatically operating pressure differential relief valve located between the check valves. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to the atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The *ASSEMBLY* must include properly located test cocks and tightly closing shutoff valves at each end of the assembly.

**REDUCED PRESSURE PRINCIPLE DETECTOR ASSEMBLY.** An assembly composed of an approved reduced pressure principle backflow prevention assembly with a bypass water meter and a meter sized approved reduced pressure principle assembly. The meter shall register accurately for very low flow rates and shall register in U.S. gallons at all flow rates.

**WATER SUPPLY, APPROVED.** Any public potable water supply which has been investigated and approved by the appropriate agency of the state. The system must be operating under a valid health permit. (Prior Code, § 54-126)

#### § 54.02 PURPOSE.

The backflow prevention program is designed to protect the potential water supply of the town, by requiring the use of appropriate backflow protection methods. The possibility of contamination will be minimized by confining within the customer's private water system the contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross-connections into the public water system. (Prior Code, § 54-127)

#### § 54.03 ELIMINATION OF CROSS-CONNECTIONS.

(A) No private water system may be connected in any manner to the public water system, unless the requirements of this chapter and other applicable laws have been satisfied.

(B) Only an approved assembly can be installed to meet the requirements of this chapter. The installation of any backflow prevention device/assembly which is not approved must be replaced with an approved backflow prevention assembly.

(Prior Code, § 54-128) Penalty, see § 54.99

**§ 54.04 INSTALLATION, TESTING AND MAINTENANCE OF BACKFLOW PREVENTION ASSEMBLIES.**

(A) All backflow prevention assemblies shall be installed in accordance with the manufacturer's instructions. Only backflow preventers approved by the town, American Society of Sanitary Engineers (ASSE), American Water Works Association (AWWA) or United States Code (U.S.C.) shall be used, whichever is most restrictive.

(B) All backflow prevention assemblies required by this chapter must be installed and maintained on the customer's premises as part of the customer's water system.

(C) Ownership, testing and maintenance of the backflow prevention assembly will be the responsibility of the customer. Each assembly required in this chapter must be functioning properly at all times.

(D) A certified tester shall conduct testing of backflow prevention assemblies, at the customer's expense. Testers shall provide a current certificate from an approved school before being allowed to test assemblies. Tests shall be conducted upon installation and annually thereafter, with a record of all testing and repairs retained by the customer. A copy of the certified record for each test or repair must be sent to the town by such customer within 30 days after the completion of each test or repair. Such records must be maintained on forms provided by the town.

(E) Each backflow prevention assembly required under this chapter must be accessible to the town.

(F) The customer shall provide for the parallel installation of an approved backflow prevention assembly when it is not possible to interrupt water service. A bypass around a backflow preventer, when the assembly is in need of testing, repair or replacement, is not acceptable.

(G) Double check valve assemblies must be installed in drainable pits whenever below the ground installation is necessary.

(H) Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance, under any circumstances. Pit and/or below grade installations are prohibited.

(I) Any time that repairs to backflow assemblies are deemed necessary, whether through annual testing or routine inspection by the owner or the town, the repairs must be completed within a time specified in accordance with the degree of hazard. Health has 14 days for repairs and non-health has 21 days for repairs. Failure to comply with such time limit can result in termination of a customer's water service.

(J) (1) Upon determination that a backflow prevention assembly is required to be installed on a customer's private water system, the customer will be notified, in writing, of the approved backflow prevention assembly which is required.

(2) On existing systems, the customer will have the following time periods within which to install the specified backflow prevention assembly:

- (a) Health, 60 days; and
- (b) Non-health, 90 days.

(K) All new construction plans and specifications shall be made available to the town for approval and to determine the degree of hazard.

(L) The customer shall notify the town when the nature of the use of property changes so as to change the hazard classification of the property, if necessary.  
(Prior Code, § 54-129) Penalty, see § 54.99

#### **§ 54.05 HEALTH HAZARD FACILITIES.**

(A) All health hazard facilities must have an approved reduced pressure principle assembly as a minimum containment assembly.

(B) Health hazard facilities include, but are not limited to, any private water system used or designed for use with a booster pump or which may become pressurized for any reason to the extent that back-pressure may occur; private water system which contains water which has been, or is being, re-circulated; building with five or more stories above ground level; brewery; carwash facilities; bottling plant; chemical plant; dentist's office; dry cleaning plant; fertilizer plant; film laboratory; fire sprinkler or standpipe system with chemical additives; hospital, clinic or medical building; irrigation system with chemical additives; laboratory; commercial laundry, except a self-service laundry; concrete/asphalt plant; metal processing plant; morgue or mortuary; nursing home; pharmaceutical plant; power plant; swimming pool; sewage treatment plant; tire manufacturer; veterinary hospital or clinic; restaurant; battery manufacturer; exterminator and lawn care company; dairy; cannery; dye works and the like.

(C) If a cross-connection inspector does not have sufficient access to every portion of a private water system to permit the complete evaluation of the degree of hazard associated with such private water system, an approved reduced pressure principle assembly must be installed.  
(Prior Code, § 54-130)

#### **§ 54.06 NON-HEALTH HAZARD FACILITIES.**

(A) Non-health hazard facilities include, but are not limited to, fire sprinkler systems without booster pump facilities or chemical additives; connections to tanks, lines and vessels that handle nontoxic substances; lawn sprinkler systems without chemical injection or booster pumps; and all industrial and most commercial facilities not identified as high hazard facilities.

(B) All moderate hazard facilities must have a double check valve assembly as a minimum containment assembly.  
(Prior Code, § 54-131)

**§ 54.07 LAWN IRRIGATION SYSTEMS.**

All existing lawn irrigation systems must have a double check valve assembly as a minimum containment assembly.

(Prior Code, § 54-132) Penalty, see § 54.99

**§ 54.08 FIRE SPRINKLER SYSTEMS.**

(A) All unmetered fire sprinkler systems without booster facilities or chemical additives must have a double check detector check valve assembly as a minimum containment device.

(B) All unmetered fire sprinkler systems with a booster facility or chemical additives must have a reduced pressure principle detector assembly as a minimum containment device.

(Prior Code, § 54-133) Penalty, see § 54.99

**§ 54.09 RIGHT OF ENTRY.**

(A) With the permission of the occupant, such permission not being unreasonably withheld, an authorized agent of the town shall have the right to enter any building, structure or premises during normal working hours to perform any duty imposed upon him or her by this section. Such duties may include sampling and testing water, or inspecting and observing all piping systems connected to the public water supply. Prior notice of such entry will be given unless an imminent hazard has been reported. Refusal to allow entry for such purposes may result in termination of the water service.

(B) At the request of the town, the customer shall furnish any pertinent information regarding the piping system and chemical storage on such property where cross-connections are deemed possible.

(Prior Code, § 54-134) Penalty, see § 54.99

**§ 54.10 RESPONSIBILITY OF CUSTOMER.**

(A) The customer shall be responsible for the elimination of, or protection against, all cross-connections on his or her premises.

(B) The customer shall maintain any backflow prevention assembly within his or her premises in a good operating condition. The customer shall correct any malfunction of the backflow preventer, which is revealed by periodic testing.

(C) The customer shall be responsible for the payment of all fees for annual testing, retesting in case the assembly fails to operate correctly, and repairs.

(D) A customer must immediately notify the town if he or she has reason to believe that backflow has occurred from his or her private water system.

(Prior Code, § 54-135) Penalty, see § 54.99

**§ 54.11 UNAPPROVED SOURCE OF SUPPLY.**

(A) No person shall connect, or cause to be connected, any supply of water not approved by the state to the public water supply system.

(B) Where a connection to a town water line is made and the property owner continues to have a well or other source of water, it shall be unlawful for the plumbing servicing any building upon such property to be connected so that any water outlet within the building may be served with water from any source other than the town connection, and it shall also be unlawful to have plumbing cross-connected or installed so that water from the town water system or the private water system may in any way become intermingled.

(Prior Code, § 54-136) Penalty, see § 54.99

**§ 54.99 PENALTY.**

(A) A written notice of violation shall be given to any person who is determined to be in violation of any provision of this chapter.

(B) Such notice shall set forth the violation and the time period within which the violation must be corrected. The violation must be corrected within a reasonable time, as specified in the notice, not to exceed 30 days from receipt of the notice. If the town determines that the violation is occurring on a customer's private water system and that such violation has created or contributed to the existence of an imminent hazard, the customer may be required to immediately correct the violation.

(C) Water service may be terminated to a customer if the customer fails to correct a violation or to pay any civil penalty or expense assessed under this section. Termination of water service will be without prejudice to the city's ability to assert any other remedy available to the town against the customer or any other person responsible for the violation.

(D) The violation of any provision of this chapter shall subject the violator to a civil penalty. Each subsequent day that a violation listed in this division (D) continues shall constitute a separate and distinct offense in accordance with the following:

(1) Unprotected cross-connection involving a private water system which is a health hazard, per day: \$1,000;

(2) Falsifying records which are required to be submitted by this chapter: tester may be removed from the approved certified tester list and/or \$500;

(3) Failing to test backflow prevention assemblies as required: \$100;

(4) Failing to maintain backflow prevention assemblies as required: \$100; and

(5) Any other violation of the provision of this chapter: \$100.

(E) The town may increase any civil penalty assessed under this section by \$100 or 50% of the maximum civil penalty associated with the violation, whichever is greater, for a second violation of the same provision

within a two-year period. Water service may be terminated after a third violation of the same provision within a two-year period.

(F) Any person violating any provision of this chapter shall pay to the town all expenses incurred by the town in repairing any damage to the public water system caused, in whole or in part, by such violation and any expense incurred by the town in investigating such violation. All such expenses are deemed to be a part of the civil penalty assessed with the violation.

(Prior Code, § 54-137)





## CHAPTER 55: WASTEWATER TREATMENT STANDARDS

### Section

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***GENERAL PROVISIONS*****§ 55.001 PURPOSE AND POLICY.**

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the town, and enables the town to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. §§ 1251 et seq.) and the general pretreatment regulations (40 C.F.R. part 403).

(B) The objectives of this chapter are to:

(1) Prevent the introduction of pollutants into the municipal wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;

- (2) Prevent the introduction of pollutants into the municipal wastewater system that will pass through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;
- (3) Promote reuse and recycling of industrial wastewater and sludges from the municipal system;
- (4) Protect both municipal personnel who may be affected by sewage, sludge and effluent in the course of their employment and the general public;
- (5) Provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
- (6) Ensure that the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements and any other federal or state laws to which the municipal wastewater system is subject.

(C) This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This chapter applies to all users of the municipal wastewater system. Except as otherwise provided herein, the POTW Director shall administer, implement and enforce the provisions of this chapter. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other town personnel. By discharging wastewater into the wastewater system, industrial users located outside the town limits agree to comply with the terms and conditions established in this chapter, as well as any permits, enforcement actions or orders issued hereunder.

(Prior Code, § 54-158) (Ord. passed 6-3-2003)

#### § 55.002 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT or THE ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

**APPROVAL AUTHORITY.** The Director of the Division of Water Quality of the North Carolina Department of Environment and Natural Resources, or his or her designee.

#### **AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.**

(a) If the industrial user is a corporation, **AUTHORIZED REPRESENTATIVE** shall mean:

1. The president, secretary or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

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2. The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the industrial user is a partnership or sole proprietorship, an **AUTHORIZED REPRESENTATIVE** shall mean a general partner or the proprietor, respectively.

(c) If the industrial user is a federal, state or local government facility, an **AUTHORIZED REPRESENTATIVE** shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in divisions (a) through (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20°C, usually expressed as a concentration (e.g., mg/l).

**BUILDING SEWER.** A sewer conveying wastewater from the premises of a user to the POTW.

**BYPASS.** The intentional diversion of waste streams from any portion of an industrial user's treatment facility.

**CATEGORICAL STANDARDS.** Federal categorical pretreatment standards or pretreatment standard.

**COLOR.** The true color due to the substances in solution expressed in milligrams per liter (mg/l) or such units as the POTW Director specifies.

**CONTROL AUTHORITY.** Refers to the "approval authority", as defined above or the POTW Director.

**ENVIRONMENTAL PROTECTION AGENCY or EPA.** The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

**FEDERAL CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§ 307(b) and (c) of the Act (33 U.S.C. § 1317) that applies to a specific category of industrial users, and that appears in 40 C.F.R. Chapter 1, Subchapter N, Parts 400 through 471.

**FEDERAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 55.015, and are developed under the authority of § 307(b) of the Act, being 33 U.S.C. § 1317 and 40 C.F.R. § 403.5.

**GENDER.** This chapter is gender neutral with respect to masculine and feminine gender. References using either the masculine or feminine gender shall apply to both genders.

**GRAB SAMPLE.** A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

**HOLDING TANK WASTE.** Any waste from holding tanks, including, but not limited to, such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**INDIRECT DISCHARGE OR DISCHARGE.** The discharge or the introduction from any non-domestic source regulated under § 307(b), (c) or (d) of the Act (33 U.S.C. § 1317), into the POTW (including holding tank waste discharged into the system).

**INDUSTRIAL USER.** Any person that is a source of indirect discharge.

**INFLOW.** Water other than sewage that enters a sanitary sewer system including water entering through a building sewer from sources such as roof leaders, collar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewer and sanitary sewers, catchbasins, cooling towers, stormwaters, surface runoff, street wash waters or drainage.

**INTERFERENCE.** The inhibition or disruption of the POTW treatment processes, operations or its sludge process, use or disposal, that causes or contributes to a violation of any requirement of the POTW's NPDES or nondischarge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act, (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. §§ 6901 et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

**MEDICAL WASTE.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (OR NPDES) PERMIT.** A permit issued pursuant to § 402 of the Act (33 U.S.C. § 1342), or pursuant to G.S. § 143-215.1 by the state under delegation from EPA.

**NEW SOURCE.**

(a) Any building, structure, facility or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under § 307(c) of the Act, being 33 U.S.C. § 1317 that will be applicable to such source if such standards are thereafter promulgated in accordance with § 307(c), being 33 U.S.C. § 1317 provided that the:

1. Building, structure, facility or installation is constructed at a site at which no other source is located;

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2. Building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. Production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of division (a)2. or (a)3. above, but otherwise alters, replaces or adds to existing process or production equipment.

(c) For purposes of this definition, construction of a *NEW SOURCE* has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on-site construction program:
  - a. Any placement, assembly or installation of facilities or equipment; or
  - b. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities that is necessary for the placement, assembly or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies, do not constitute a contractual obligation under this definition.

**NON-CONTACT COOLING WATER.** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

**NON-DISCHARGE PERMIT.** A disposal system permit issued by the state pursuant to G.S. § 143-215.1.

**NON-DOMESTIC DISCHARGE.** Any substances other than human excrement and household gray water (shower, dishwashing operations and the like) discharged into the POTW. Common characteristics of non-domestic pollutants in wastewater discharges include, but are not limited to, pH, temperature, total suspended residue (solids), turbidity, BOD, COD, toxicity, odor and color.

**NUMBER.** The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of their use.

**PASS THROUGH.** A discharge that exits the POTW into waters of the state in quantities or concentrations that, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES or nondischarge permit, or a downstream water quality standard.

**PERSON.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state and local government entities.

**pH.** A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

**POLLUTANT.** Any "waste" as defined in G.S. § 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

**POTW DIRECTOR.** The Town Manager.

**POTW TREATMENT PLANT.** The portion of the POTW designed to provide treatment to wastewater.

**PRETREATMENT** or **TREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**PRETREATMENT PROGRAM.** The program for the control of pollutants introduced into the POTW from non-domestic sources developed by the town in compliance with 40 C.F.R. § 403.8 and approved by the approval authority as authorized by G.S. § 143-215.3(a)(14) in accordance with 40 C.F.R. § 403.11.

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

**PRETREATMENT STANDARDS.** Prohibited discharge standards, categorical standards and local limits.

**PUBLICLY OWNED TREATMENT WORKS (POTW) or MUNICIPAL WASTEWATER SYSTEM.** A "treatment works" as defined by § 212 of the Act (33 U.S.C. § 1292) owned in this instance by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the **POTW** treatment plant. For the purposes of this chapter, **POTW** shall also include any sewers that convey waste waters to the **POTW** from persons outside the town who are, by contract or agreement with the town, or in any other way, users of the POTW.

**SANITARY SEWER.** A sewer intended to receive domestic sewage and industrial waste, without the admixture of surface water and stormwater.

**SEVERE PROPERTY DAMAGE.** Substantial physical damage to property, damage to the industrial user's treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. **SEVERE PROPERTY DAMAGE** does not mean economic loss caused by delays in production.

**SHALL, MAY.** Shall is mandatory; the term “may” is permissive or discretionary.

**SIGNIFICANT INDUSTRIAL USER.** Any industrial user of the wastewater disposal system who:

- (a) Has an average daily process wastewater flow of 25,000 gallons or more;
- (b) Contributes more than five percent of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge;
- (c) Is required to meet a federal categorical pretreatment standard; or
- (d) Is found by the town, the division of water quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system’s effluent quality or compliance with any pretreatment standards or requirements.

**SIGNIFICANT NONCOMPLIANCE or REPORTABLE NONCOMPLIANCE.** A status of significant or reportable noncompliance is defined as follows:

- (a) Violations of wastewater discharge limits:
  1. Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period;
  2. Thirty-three percent or more of the measurements are equal to or exceed the technical review criteria times the limit (maximum or average) in a six-month period. For conventional pollutant parameters (BOD, TSS, fats/oil and grease), TRC = 1.4; for all other pollutants parameters, TRC = 1.2;
  3. Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass through; or endangered the health of the sewage treatment plant personnel or the public; and
  4. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority to halt or prevent such a discharge.
- (b) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date;
- (c) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports and periodic compliance reports within 30 days from the due date;
- (d) Failure to accurately report noncompliance; and
- (e) Any other violation or group of violations that the control authority considers to be significant.

**SLUG LOAD.** Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in § 55.015.



**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 1987.

**STORMWATER.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUPERINTENDENT.** The person designated by the town to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his or her duly authorized representative.

**SUSPENDED SOLIDS.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and that is removable by laboratory filtering.

**UPSET.** An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An **UPSET** does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

**USER.** Any person who contributes, causes or has responsible charge over the contribution of wastewater into the POTW, including persons who discharge wastewater from mobile sources.

**WASTEWATER.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, that are contributed into or permitted to enter the POTW.

**WASTEWATER PERMIT.** As set forth in § 55.056.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through or border upon the state or any portion thereof.

(B) The following abbreviations when used in this chapter, shall have the designated meanings.

**BOD.** Biochemical oxygen demand.

**C.F.R.** Code of Federal Regulations.

**COD.** Chemical oxygen demand.

**EPA.** Environmental Protection Agency.

**gpd.** Gallons per day.

**G.S.** North Carolina General Statutes.

**l.** Liter.

*mg.* Milligrams.

*mg/l.* Milligrams per liter.

*N.C.A.C.* North Carolina Administrative Code.

*NPDES.* National pollutant discharge elimination system.

*O&M.* Operation and maintenance.

*POTW.* Publicly owned treatment works.

*RCRA.* Resource Conservation and Recovery Act.

*SIC.* Standard Industrial Classification.

*SWDA.* Solid Waste Disposal Act.

*TSS.* Total suspended solids.

*TKN.* Total Kjeldahl nitrogen.

*U.S.C.* United States Code.

(Prior Code, § 54-159) (Ord. passed 6-3-2003)

### § 55.003 CONFIDENTIAL INFORMATION; AVAILABILITY TO PUBLIC.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

(B) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.  
(Prior Code, § 54-332) (Ord. passed 6-3-2003)

*GENERAL SEWER USE REQUIREMENTS***§ 55.015 PROHIBITED DISCHARGE STANDARDS.**

(A) *General prohibitions.* No person shall contribute or cause to be contributed into the POTW, either directly or indirectly, any pollutant or wastewater that causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any federal, state or local pretreatment standards or requirements.

(B) *Specific prohibitions.* No user shall contribute or cause to be contributed into the POTW the following pollutants, substances or wastewater:

(1) Any liquids, solids or gases, with a closed cup flash point of less than 140°F (60°C) using the test methods specified in 40 C.F.R. § 261.21, including gasoline, kerosene, benzene and naphtha, or that by their nature or quantity are of sufficient concentration, either alone or with interaction with other substances, to cause fire or explosion in the POTW, or be injurious in any way to the POTW or its personnel, or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter taken of a wastewater either at the point of discharge into the system or at any point in the system be more than 5%, nor any single reading over 10% of the lower explosive limit (LET) of the meter;

(2) Solid or viscous substances, including ground paper products, wood, glass, ashes, cinders, hair, rags, mud, straw, metal and whole blood, in amounts that will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch in any dimension;

(3) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through;

(4) Any wastewater having a pH of less than 6.0 or more than 9.0 standard units except by permit authorization and under no circumstances any wastewater having a pH lower than 5.0, or wastewater having any other corrosive property capable of causing damage to the POTW or equipment;

(5) Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD and the like), in sufficient quantity, either by flow or concentration, either singly or by interaction with other pollutants, to cause interference with the POTW;

(6) Any wastewater having a temperature greater than 150°F (66°C), or that will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(7) Any pollutants that result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with § 55.023;

(9) Any noxious or malodorous liquids, gases or solids or other waste waters that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

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(10) Any substance that may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under § 405 of the Act; the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq., the Clean Air Act, being 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act, being 42 U.S.C. §§ 2601 et seq., or state criteria applicable to the sludge management method being used;

(11) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable state or federal regulations;

(12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, inflow, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater unless specifically authorized by the POTW Director;

(13) Fats, oils or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

(14) Any sludges, screenings or other residues from the pretreatment of industrial wastes;

(15) Any medical wastes except as specifically authorized by the POTW Director in a wastewater discharge permit;

(16) Any material containing ammonia, ammonia salts or other chelating agents that will produce metallic complexes that interfere with the municipal wastewater system;

(17) Any material that would be identified as hazardous waste according to 40 C.F.R. part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW Director;

(18) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A N.C.A.C. 2B.0200;

(19) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(20) Recognizable portions of the human or animal anatomy;

(21) Any wastes containing detergents, surface active agents or other substances that may cause excessive foaming in the POTW; or

(22) Any wastewater that imparts objectionable color which cannot be removed by the POTW's treatment process.

(C) *Discharge.* Pollutants, substances, wastewater or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

(D) *Interference.* When the POTW Director determines that a user is contributing to the POTW any of the above enumerated substances in such amounts that may cause or contribute to interference of POTW operation or pass through, the POTW Director shall: advise the user(s) of the potential impact of the contribution on the

POTW in accordance with § 55.110; and take appropriate actions in accordance with this section for such user to protect the POTW from interference or pass through.

(Prior Code, § 54-187) (Ord. passed 6-3-2003) Penalty, see § 55.999

**§ 55.016 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 C.F.R. Chapter 1, Subchapter N, Parts 400 through 471 and incorporated herein.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW Director may impose equivalent concentration or mass limits in accordance with 40 C.F.R. § 403.6(c).

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit using the combined waste stream formula in 40 C.F.R. § 403.6(e).

(C) An industrial user may obtain a variance from a categorical pretreatment standard if the industrial user can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. § 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D) An industrial user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. § 403.15.

(Prior Code, § 54-188) (Ord. passed 6-3-2003)

**§ 55.017 LOCAL LIMITS.**

(A) To implement the general and specific discharge prohibitions listed in this chapter, industrial user-specific local limits will be developed ensuring that the POTW's maximum allowable head works loading is not exceeded for particular pollutants of concern for each industrial user.

(B) Where specific local limits for a given parameter or pollutant are not contained in an industrial user permit, the following limits will apply to all industrial users:

300 mg/l	BOD <sub>5</sub>
300 mg/l	TSS
50 mg/l	Total nitrogen
40 mg/l	TKN
25 mg/l	Ammonia
0.0015 mg/l	Cadmium
0.15 mg/l	Copper

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0.003 mg/l	Lead
0.10 mg/l	Nickel
0.160 mg/l	Total chromium
0.35 mg/l	Cyanide
0.175 mg/l	Zinc

(C) Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The POTW Director may impose mass limits in addition to, or in place of, the concentration-based limits above.  
(Prior Code, § 54-189) (Ord. passed 6-3-2003)

**§ 55.018 STATE REQUIREMENTS.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.  
(Ord. passed 6-3-2003)

**§ 55.019 RIGHT OF REVISION.**

The town reserves the right to establish limitations and requirements that are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in § 55.015, or the general and specific prohibitions in § 55.001, as is allowed by 40 C.F.R. § 403.4.  
(Prior Code, § 54-191) (Ord. passed 6-3-2003)

**§ 55.020 DILUTION.**

No industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the town or state.  
(Prior Code, § 54-192) (Ord. passed 6-3-2003)

**§ 55.021 PRETREATMENT OF WASTEWATER.**

(A) *Pretreatment facilities.* Industrial users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under § 55.055, and shall achieve compliance with all federal categorical pretreatment standards, local limits and the prohibitions set out in § 55.015 within the time limitations as specified by EPA, the state or the POTW Director, whichever is more stringent.

(1) Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense.

(2) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted for review to the town and/or the state, as ordered by the POTW Director. The authorization to construct the pretreatment facilities shall be issued by the town and/or the state, also as ordered by the POTW Director.

(3) The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(4) Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

(B) *Additional pretreatment measures.*

(1) Whenever deemed necessary, the POTW Director may require certain users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and require such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(2) The POTW Director may require any industrial user discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(3) Grease, oil and sand interceptors shall be provided when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of fat, oil, grease or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.  
(Prior Code, § 54-193) (Ord. passed 6-3-2003)

**§ 55.022 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.**

(A) At least once every two years, the POTW Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The POTW Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the POTW Director may develop such a plan for any user.

(B) An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by § 55.075; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Prior Code, § 54-194) (Ord. passed 6-3-2003)

### **§ 55.023 HAULED WASTEWATER.**

(A) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at such times as are established by the POTW Director. Such waste shall not violate division (B) below or any other requirements established by the town. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits. The POTW Director also may prohibit the disposal of septic tank waste.

(B) The POTW Director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(C) Industrial waste haulers may discharge loads only at locations designated by the POTW Director. No load may be discharged without prior consent of the POTW Director. The POTW Director may collect samples of each hauled load to ensure compliance with applicable standards. The POTW Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether wastes are RCRA hazardous wastes.  
(Prior Code, § 54-195) (Ord. passed 6-3-2003)

### **§ 55.024 PROTECTION FROM DAMAGES.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any element or appurtenances of the POTW, including equipment belonging to the town used for the purposes of making tests or examinations and left upon the premises of a person discharging wastes into the sewers.

(Prior Code, § 54-196) (Ord. passed 6-3-2003)

### **§ 55.025 CONNECTING TO SEWER SYSTEM.**

(A) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. Except as hereinafter provided, every person, group of persons, firm or corporation owning a dwelling, building or other structure that



is used for human habitation or occupancy within the POTW's jurisdiction that is situated on a lot or parcel of land that abuts or adjoins a street or other public way along which is located a sanitary sewer of the town shall connect such dwelling or structure to the sewer system.

(B) A connection shall not be required to the system, unless the lot or parcel of land on which the dwelling, building or structure is situated is accessible within 150 feet of the sewer system. In addition, no person shall be required to cross the private property of any other person to make such connection.

(C) Owners of properties whereupon exists a dwelling, building or other structure that is used for human habitation or occupancy that are not accessible to the sewer system for the reason they are more than 150 feet therefrom or would require crossing another person's private property to make connection shall install septic tanks or other facilities in accordance with the regulations of the County Health Department. Installation of the septic tank or other facility must also receive the approval of the POTW Director prior to construction of such facilities.

(D) Where connections are required, all toilets, sinks and other plumbing fixtures shall be installed, arranged or rearranged to drain into the sanitary sewer and shall be installed in accordance with the requirements of the State Plumbing Code.

(E) In cases where a sanitary sewer is constructed where none before existed, such connection must be made within 90 days of completion of the sewer construction.  
(Prior Code, § 54-197) (Ord. passed 6-3-2003)

#### **§ 55.026 MULTIPLE CONNECTIONS THROUGH ONE BUILDING SEWER.**

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may, if approved by the POTW Director, be extended to the rear building and the whole considered as one building sewer.

(Prior Code, § 54-198) (Ord. passed 6-3-2003)

#### **§ 55.027 PROHIBITION OF DISCHARGE OF WASTEWATER TO SURFACE COURSES.**

The discharge of treated or untreated domestic sewage or industrial wastes to any storm sewer, pond, open ditch, stream or watercourse is not allowed within the POTW's jurisdictional area, except that uncontaminated non-contact cooling water may be discharged provided that such discharge is constructed and operated within the laws of the state; however, where the Town Council decides that it is not in the best interest of the town to accept any particular industrial waste into its sanitary sewer, such waste may be discharged within the town provided such discharge meets the requirements of the state and the discharge is approved by the Town Council.

(Prior Code, § 54-199) (Ord. passed 6-3-2003)

#### **§ 55.028 CONNECTING UNPOLLUTED WATERS.**

(A) No person shall make any connection of roof downspouts, exterior foundation drains, area drains or other sources of inflow, groundwater or other unpolluted waters to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.

(B) Unpolluted waters may be discharged to town storm sewers and drainage ditches subject to approval of the POTW Director and provided that all required federal, state and local permits required for such a discharge are secured by the person causing the discharge.

(Prior Code, § 54-200) (Ord. passed 6-3-2003) Penalty, see § 55.999

#### § 55.029 REGULATION OF BUILDING OF SEWERS AND CONNECTIONS.

(A) All connections to the sanitary sewer system under the control of and operated by the town shall be made by authorized employees of the town in accordance with requirements of the State Plumbing Code, town specifications and all other applicable state and federal regulations.

(B) If authorized by the Town Council, connections may be made by plumbers licensed to perform plumbing work in the state.

(C) Any sewer connection made by an authorized licensed plumber shall be inspected by the POTW Director after such work has been completed and prior to the time the connection is covered.

(Prior Code, § 54-201) (Ord. passed 6-3-2003)

### *USER CHARGE SYSTEM*

#### § 55.040 USER CHARGES.

(A) *Authority.* Pursuant to the provisions of Pub. L. No. 92-500, § 240(b), and subsequent amendments to it, the town, having received EPA financial assistance for the construction of treatment works, shall adopt a system of charges to assure that each user pays a share of the annual administration, operation and maintenance (including replacement) costs of the POTW.

(B) *Intent.* The intent of such user charges is to equitably distribute the cost of administration, operation and maintenance of the POTW to each user proportional to the amount of wastewater treatment service each user receives; and to promote self-sufficiency of the POTW with respect to administration, operation and maintenance costs.

(C) *Definition.* The term **REPLACEMENT** referred to in division (A) above is defined as those expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the service life of the treatment works to maintain the treatment works capacity and performance. The term **OPERATION AND MAINTENANCE** includes **REPLACEMENT**.

(D) *User class.*

(1) Each user shall be charged a share of the treatment works operation and maintenance cost based on the measured proportional contribution to the treatment works loading. Generally, the user charge will be dependent upon flow insofar as BOD, COD, TSS and other pollutant contributions discharged by all users are approximately equal.

(2) Where such pollutants exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge will be added to the base charge. The models used in calculating the user charge are defined in division (F) below.

(E) *User charge criteria.* The user charge system shall be approved by the regional administrator of the Environmental Protection Agency and shall be maintained by the town in accordance with the following requirements.

(1) The user charge system must result in the distribution of the cost of operation and maintenance of treatment works within the town jurisdiction to each user (or user class) in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

(2) The user charge system must generate sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the town.

(F) *Model user charge system.*

(1) The user charge system adopted by the town shall result in the equitable distribution of annual treatment works administration, operation and maintenance costs to each user (or user class) in approximate proportion to each user's (or user class) contribution towards the total wastewater loading of the treatment works. The following user charge models shall be used for this purpose.

(2) The symbols used in the models are as defined below.

(a) *Symbols.*

1.  $C_f$  = Total fixed operation and maintenance (O&M) costs per unit of time.
2.  $C_v$  - Total variable operation and maintenance (O&M) costs per unit of time.
3.  $C_u$  = A user's charge for O&M per unit of time.
4.  $C_s$  = A surcharge for waste waters of excessive strength.
5.  $V_u$  = Volume contribution from a user per unit of time.
6.  $V_t$  = Total volume contribution from all users per unit of time.
7.  $B_c$  = O&M cost for treatment of a unit of biochemical oxygen demand (BOD).
8.  $B$  = Contribution of BOD from a user above a base level.
9.  $S_c$  = O&M cost for treatment of a unit of suspended solids.
10.  $S$  = Contribution of SS from a user above a base level.
11.  $N_c$  = O&M cost for treatment of a unit of ammonia.

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12.  $N$  = Concentration of ammonia from a user above a base level.

13.  $P_c$  = O&M cost for treatment of a unit of any pollutant having identifiable contributions to overall treatment costs.

14.  $P$  = Concentration of a pollutant from a user above a base level.

(b) *Model No. 1.* Whereas the treatment works is primarily flow dependent as the BOD, suspended solids and other pollutant concentrations discharged by the majority of users are approximately equal; therefore, the user charge will be developed on a volume basis in accordance with the model below:

$$C_u = C_f \text{ No. of Users} + V_u * C_t V_t$$

(c) *Model No. 2.* When determined by the town that BOD, COD, TSS, ammonia and any other appropriate pollutant concentrations from a user exceeds the range of concentration of these pollutants typically found in normal domestic sewage, a surcharge calculated by means of Model No. 2 shall be levied in addition to the base sewer use charge. The surcharge shall be computed by the model below:

$$C_1 = [Bt(B) + S_t(S) + N_t(N) + P_t(P)]$$

(G) *Baseline pollutant concentrations.* Baseline pollutant concentrations shall be BOD<sub>5</sub>-300 mg/l, TSS-300 mg/l, Total Nitrogen-50 mg/l, TKN-40 mg/l, and Ammonia Nitrogen-25 mg/l or as established by the POTW Director and held as a standard for the town.

(H) *All costs.* Model No. 1 shall include all costs for operation and maintenance associated with extraneous flows not attributable to any one user or user class, thereby distributing these costs to all users.

(I) *Other considerations.* User charges may be established based on a percentage of the charge for water usage; however, the unit rate sewer charge for the largest volume users must be as great as or greater than the unit cost of operation and maintenance (excluding debt service). In any event, a surcharge shall still be levied in accordance with the provisions of Model No. 2 above. The system of user charges for the wastewater treatment system shall be based on total annual system costs, including operation and maintenance expenses.

(J) *Notification.* Each user shall be notified no less often than annually of the rates for user charges. Such notification shall be done in conjunction with a regular bill, and, if the regular bill also includes charges for other services, shall clearly identify the portion of the bill attributable to wastewater user charges.

(K) *Annual review.* The Town Council shall review annually the sewage contributions of users and the total annual costs of debt service, operation and maintenance of the POTW and will make adjustments in the schedule of charges and fees as necessary to support the intent of this chapter.

(L) *User charge system.* The user charge system shall take precedence over any terms or conditions of any contracts or agreements that are inconsistent with § 204(b)(1)(a) of the Clean Water Act ("the Act" as defined by this chapter), being 33 U.S.C. § 1284.

(Prior Code, § 54-226) (Ord. passed 6-3-2003)

**§ 55.041 PRETREATMENT PROGRAM ADMINISTRATION CHARGES.**

(A) The POTW Director has reserved the authority to establish a schedule of charges and fees for the reimbursement of costs incurred in operating and administering the required local pretreatment program in conjunction with the requirements of 40 C.F.R. part 403. Such charges shall become effective upon presentation to and adoption by the Town Council.

(B) Costs to be provided for by the said schedule may include:

- (1) Reimbursement of the costs of the initial set up and the operation of the pretreatment program;
- (2) Monitoring, inspection and surveillance procedures;
- (3) Reviewing accidental discharge procedures, and construction plans and specifications;
- (4) Permitting;
- (5) Labor and material used for enforcement actions; and

(6) Any other costs required of the town necessary to meet the requirements of the local pretreatment program and 40 C.F.R. part 403.

(Prior Code, § 54-227) (Ord. passed 6-3-2003)

***DISCHARGE PERMIT APPLICATION AND ISSUANCE*****§ 55.055 WASTEWATER DISCHARGES.**

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the town. When requested by the POTW Director, a user must submit information on the nature and characteristics of its wastewater within 90 days of receipt of the request. The POTW Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Prior Code, § 54-248) (Ord. passed 6-3-2003) Penalty, see § 55.999

**§ 55.056 WASTEWATER PERMITS.**

(A) All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW Director to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the POTW Director's determination.

(B) Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW Director be required to obtain a wastewater discharge permit for non-significant industrial users.

(1) *Significant industrial user determination.* All industrial users proposing to discharge non-domestic wastewater or proposing to change the volume or characteristics of an existing discharge of non-domestic

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wastewater shall request from the POTW Director a significant industrial user determination. If the POTW Director determines or suspects that the proposed discharge fits the significant industrial user criteria, he or she will require that a significant industrial user permit application be filed.

(2) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the town an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW Director's determination in division (B)(1) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address and location, (if different from the address);
- (b) Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
- (c) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in this section, any of the priority pollutants (§ 307(a) of the Act, being 33 U.S.C. § 1317) that the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 C.F.R. part 136, as amended;
- (d) Time and duration of the indirect discharge;
- (e) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises, including all materials that are or could be accidentally or intentionally discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge limited by any town, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
  1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine months; and

2. No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the POTW Director.

(j) Each product produced by type, amount, process or processes and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(m) If subject to a categorical standard, a baseline monitoring report in accordance with 40 C.F.R. § 403.12(b) and 15A N.C.A.C. 2H.0908(a), as outlined in § 55.070; and

(n) Any other information as may be deemed by the POTW Director to be necessary to evaluate the permit application.

(3) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(4) *Application review and evaluation.* The POTW Director will evaluate the data furnished by the user and may require additional information.

(a) The POTW Director is authorized to accept applications for the town and shall refer all applications to the POTW staff for review and evaluation.

(b) Within 30 days of receipt, the POTW Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(5) *Tentative determination and draft permit.*

(a) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.

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(b) If the staff's tentative determination in division (B)(5)(a) above is to issue the permit, the following additional determinations shall be made in writing:

1. Proposed discharge limitations for those pollutants proposed to be limited;
2. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
3. A brief description of any other proposed special conditions that will have significant impact upon the discharge described in the application.

(c) The staff shall organize the determinations made pursuant to divisions (B)(5)(a) and (B)(5)(b) above and the town's general permit conditions into a significant industrial user permit.

(6) *Permit synopsis.* A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:

(a) A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW and all established compliance monitoring points; and

(b) A quantitative description of the discharge described in the application that includes at least the following:

1. The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
2. The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and
3. The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

(7) *Final action on significant industrial user permit applications.*

(a) The POTW Director shall take final action on all applications not later than 90 days following receipt of a complete application.

(b) The POTW Director is authorized to:

1. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this chapter and G.S. § 143-215.1;
2. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
3. Modify any permit upon not less than 60 days' notice and pursuant to § 55.056(B)(9);
4. Revoke any permit pursuant to § 55.110;



5. Suspend a permit pursuant to § 55.110; and

6. Deny a permit application when in the opinion of the POTW Director such discharge may cause or contribute to pass through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. § 143-215.1.

(8) *Hearings.*

(a) *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he or she deems unacceptable, a permittee/user assessed a civil penalty under § 55.999, or one issued an administrative order under § 55.110 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within 30 days following receipt of the significant industrial user permit, civil penalty assessment or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty or order within 45 days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail.

1. *New permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

2. *Renewed permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(b) *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under division (B)(8)(a) above may be appealed to the Town Council upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this division (B)(8)(b) shall be conducted in accordance with the town's hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Town Council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

(c) *Official record.* When a final decision is issued under division (B)(8)(b) above, the Town Council shall prepare an official record of the case that includes:

1. All notices, motions and other like pleadings;
2. A copy of all documentary evidence introduced;
3. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken; and
4. A copy of the final decision of Town Council.

(d) *Judicial review.* Any person against whom a final order or decision of the Town Council is entered, pursuant to the hearing conducted under division (B)(8)(b) above, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of the county along with a copy to the town. Within

30 days after receipt of the copy of the petition of judicial review, the Town Council shall transmit to the reviewing court the original or a certified copy of the official record.

(9) *Permit modification.*

(a) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits, except as follows:

1. Changes in the ownership of the discharge when no other change in the permit is indicated;
2. A single modification of any compliance schedule not in excess of four months;
3. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational; and
4. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(b) Within nine months of the promulgation of a federal categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a federal categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by division (B)(2) above, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable federal categorical pretreatment standard.

(c) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. § 143-215.1(b) for modifications.

(10) *Permit conditions.*

(a) The POTW Director shall have the authority to grant a permit with such conditions attached as he or she believes necessary to achieve the purpose of this chapter and G.S. § 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

1. A statement of duration (in no case more than five years);
2. A statement of non-transferability;
3. Applicable effluent limits based on categorical standards or local limits or both;
4. Applicable monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law;
5. Notification requirements for slug loads; and
6. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

(b) In addition, permits may contain, but are not limited to, the following:

1. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;
2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties;
3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices and the like, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges;
5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system;
6. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system;
7. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
8. Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules;
9. Requirements for immediate reporting of any instance of noncompliance and for automatic re-sampling and reporting within 30 days where self-monitoring indicates a violation;
10. Compliance schedules for meeting pretreatment standards and requirements;
11. Requirements for submission of periodic self-monitoring or special notification reports;
12. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 55.082 and affording the POTW Director, or his or her representatives, access thereto;
13. Requirements for prior notification and approval by the POTW Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system;
14. Requirements for the prior notification and approval by the POTW Director of any change in the manufacturing and/or pretreatment process used by the permittee;
15. Requirements for immediate notification of excessive, accidental or slug discharges, or any discharge that could cause any problems to the system;

16. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those becoming effective during the terms of the permit; and

17. Other conditions as deemed appropriate by the POTW Director to ensure compliance with this chapter, and state and federal laws, rules and regulations.

(11) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(12) *Permit transfer.* Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

(13) *Permit re-issuance.* A significant industrial user shall apply for permit re-issuance by submitting a complete permit application in accordance with this section a minimum of 180 days prior to the expiration of the existing permit.

(14) *Interlocal agreement.* The town and the City of Greenville, Greenville Utilities Commission and the county have agreed to conditions set forth in the interlocal agreement which is hereby attached to this document.

(Prior Code, § 54-249) (Ord. passed 6-3-2003)

## ***REPORTING REQUIREMENTS***

### **§ 55.070 BASELINE MONITORING REPORTS.**

#### ***(A) Reporting deadlines.***

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. § 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW Director a report containing the information listed in division (B) below.

(2) At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the POTW Director a report that contains the information listed in division (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

#### ***(B) Information required.*** Users described above shall submit the information set forth below:

(1) *Identifying information.* The name and address of the facility, including the name of the operator and owner;

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility;

(3) *Description of operations.* A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes;

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 C.F.R. § 403.6(e);

(5) *Measurement of pollutants.*

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 55.079.

(c) Sampling must be performed in accordance with procedures set out in § 55.080.

(6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 55.071; and

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 55.056(B)(3).  
(Prior Code, § 54-277) (Ord. passed 6-3-2003)

#### **§ 55.071 COMPLIANCE SCHEDULE PROGRESS REPORTS.**

The following conditions shall apply to the compliance schedule required by § 55.070(B)(7).

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

(B) No increment referred to above shall exceed nine months.

(C) The user shall submit a progress report to the POTW Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(D) In no event shall more than nine months elapse between such progress reports to the POTW Director. (Prior Code, § 54-278) (Ord. passed 6-3-2003)

#### **§ 55.072 COMPLIANCE REPORTS FOR CATEGORICAL PRETREATMENT STANDARD DEADLINES.**

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in § 55.070(B)(4) through (B)(6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 C.F.R. § 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 55.056(B)(3). (Prior Code, § 54-279) (Ord. passed 6-3-2003)

#### **§ 55.073 PERIODIC COMPLIANCE REPORTS.**

(A) The POTW Director may require any significant industrial user to submit reports, at a frequency determined by the POTW Director (but in such cases, no less than twice per year in June and December), indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows. All such periodic compliance reports must be signed and certified in accordance with § 55.056(B)(3).

(B) The town may sample and analyze permitted user discharges in lieu of requiring the permitted users to conduct any or all sampling and analysis.

(C) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are not representative of the user's discharge.

(D) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director using the procedures prescribed in § 55.079, the results of that monitoring shall be included in the report. (Prior Code, § 54-280) (Ord. passed 6-3-2003)

**§ 55.074 REPORTS OF CHANGED CONDITIONS.**

Each user must notify the POTW Director of any planned significant changes to the user's operations or system that might alter the nature, quality or volume of its wastewater at least 45 days before the change.

(A) The POTW Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 55.056.

(B) The POTW Director may issue a wastewater discharge permit under § 55.056 or modify an existing wastewater discharge permit under § 55.056 in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of 20% or greater, or the discharge of any previously unreported pollutants.  
(Prior Code, § 54-281) (Ord. passed 6-3-2003)

**§ 55.075 REPORTS OF POTENTIAL PROBLEMS.**

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within five days following such discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability that may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability that may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.  
(Prior Code, § 54-282) (Ord. passed 6-3-2003)

**§ 55.076 REPORTS FROM UNPERMITTED USERS.**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director as the POTW Director may require.  
(Prior Code, § 54-283) (Ord. passed 6-3-2003)

**§ 55.077 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.**

If sampling performed by a user indicates a violation, the user must notify the POTW Director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the

results of the repeat analysis to the POTW Director within 30 days after becoming aware of the violation. The user is not required to resample if the POTW Director monitors at the user's facility at least once a month, or if the POTW Director samples between the user's initial sampling and when the user receives the results of this sampling.

(Prior Code, § 54-284) (Ord. passed 6-3-2003)

#### § 55.078 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other).

(B) If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user:

(1) An identification of the hazardous constituents contained in the wastes;

(2) An estimation of the mass and concentration of such constituents in the waste stream discharge during the calendar month; and

(3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

(C) All notifications must take place no later than 180 days after the discharge commences. Any notification under this section need be submitted only once for each hazardous waste discharge; however, notifications of changed conditions must be submitted under § 55.074. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 55.070, 55.072 and 55.073.

(D) Dischargers are exempt from the requirements of division (A) above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 C.F.R. §§ 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(E) In the case of any new regulation under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW Director, the EPA Regional Waste Management Waste Division Director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(F) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.



(G) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law. (Prior Code, § 54-285) (Ord. passed 6-3-2003)

#### **§ 55.079 ANALYTICAL REQUIREMENTS.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. Where the EPA has not approved procedures, the procedures used must be approved by the POTW Director. (Prior Code, § 54-286) (Ord. passed 6-3-2003)

#### **§ 55.080 SAMPLE COLLECTION.**

(A) Except as indicated in division (B) below, wastewater samples must be collected using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the POTW Director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. (Prior Code, § 54-287) (Ord. passed 6-3-2003)

#### **§ 55.081 TIMING.**

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Prior Code, § 54-288) (Ord. passed 6-3-2003)

#### **§ 55.082 RECORD-KEEPING.**

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or town, or where the user has been specifically notified of a longer retention period by the POTW Director. (Prior Code, § 54-289) (Ord. passed 6-3-2003)

**COMPLIANCE MONITORING****§ 55.095 MONITORING FACILITIES.**

(A) The town may require users to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the town. (Prior Code, § 54-312) (Ord. passed 6-3-2003)

**§ 55.096 INSPECTION AND SAMPLING.**

(A) The town will inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being met. Persons or occupants of premises where wastewater is created or discharged shall allow the town, approval authority and EPA or their representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties.

(B) The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(C) Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(D) Denial of the POTW Director's, approval authority's, or EPA's access to the user's premises shall be a violation of this chapter. Unreasonable delays may constitute denial of access. (Prior Code, § 54-313) (Ord. passed 6-3-2003)

**§ 55.097 SEARCH WARRANTS.**

If the POTW Director, approval authority or EPA has been refused access to a building, structure, property or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of

the town designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the POTW Director, approval authority or EPA may seek issuance of a search warrant from the general court of justice to gain free and easy access to the building, structure, property or part thereof suspected to be contributing to the cause of the violation. (Prior Code, § 54-314) (Ord. passed 6-3-2003)

### ***ENFORCEMENT***

#### **§ 55.110 ADMINISTRATIVE REMEDIES.**

(A) *Notification of violation.* Whenever the POTW Director finds that any industrial user has violated or is violating this chapter, wastewater permit or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the POTW Director may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the town by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(B) *Consent orders.* The POTW Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to division (D) below.

(C) *Show cause hearing.*

(1) The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The POTW Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

(3) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under § 55.999, nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under § 55.056(B)(8).

(D) *Administrative orders.*

(1) When the POTW Director finds that an industrial user has violated or continues to violate this chapter, permits or orders issued hereunder, or any other pretreatment requirement, the POTW Director may

issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

- (a) Immediately comply with all requirements;
- (b) Comply in accordance with a compliance time schedule set forth in the order;
- (c) Take appropriate remedial or preventive action in the event of a continuing or threatened violation; or
- (d) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

(2) An industrial user to whom an administrative order is issued may appeal the administrative order under the procedures set under § 55.056(B)(8).

(E) *Emergency suspensions.*

(1) The POTW Director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit.

(2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals.

(3) The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director prior to the date of the above-described hearing.

(F) *Termination of permit.* Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having its permit terminated:

- (1) Failure to accurately report the wastewater constituents and characteristics of his or her discharge;
  - (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
  - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- or
- (4) Violation of conditions of the permit.

(G) *Noncompliant industrial users.* Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under this section why the proposed action should not be taken.

(Prior Code, § 54-353) (Ord. passed 6-3-2003)

#### § 55.111 OTHER AVAILABLE REMEDIES.

(A) Remedies, in addition to those previously mentioned in this chapter, are available to the POTW Director, who may use any single one or combination against a noncompliant user.

(B) Additional available remedies include, but are not limited to:

(1) *Criminal violations.* The district attorney for the town's judicial district may, at the request of the town, prosecute noncompliant users who violate the provisions of G.S. § 143-215.6B. Under state law, it is a crime to negligently violate any term, condition or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit issued by local governments (G.S. § 143-215.6B(f)), to knowingly and willfully violate any term, condition or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit issued by local governments (G.S. § 143-215.6B(g)), to knowingly violate any term, condition or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. § 143-215.6B(h)), and to falsify information required under G.S. § 143-215.6B(i);

(2) *Injunctive relief.* Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the POTW Director, through the town attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction that restrains or compels the activities in question;

(3) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply; and

(4) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this chapter or of a permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of this code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(Prior Code, § 54-355) (Ord. passed 6-3-2003)

#### § 55.112 REMEDIES NONEXCLUSIVE.

The remedies provided for in this chapter are not exclusive. The POTW Director may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the town's enforcement response plan; however, the POTW Director may take other action against any user when the circumstances warrant. Further, the POTW Director is empowered to take more than one enforcement action against any noncompliant user.

(Prior Code, § 54-356) (Ord. passed 6-3-2003)

**§ 55.113 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.**

At least annually, the POTW Director shall publish in the largest daily newspaper circulated in the service area a list of those industrial users found to be in significant noncompliance, also referred to as reportable noncompliance in 15A N.C.A.C. 2H.0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

(Prior Code, § 54-357) (Ord. passed 6-3-2003)

***AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS*****§ 55.125 UPSET.**

(A) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (B) below are met.

(B) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the POTW Director within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to be taken to reduce, eliminate and prevent recurrence of the noncompliance.

(C) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(D) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(E) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility fails, or is reduced or lost.

(Prior Code, § 54-388) (Ord. passed 6-3-2003)

**§ 55.126 PROHIBITED DISCHARGE STANDARDS DEFENSE.**

(A) A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 55.015(A) or the specific prohibitions in § 55.015(B)(2), (B)(3), (B)(5) through (B)(7), and (B)(9) through (B)(23) if it can prove that it did not know, or have reason to know, that its discharge, whether alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(B) Pursuant to 40 C.F.R. § 403.5(a)(2), the affirmative defense outlined in this section cannot apply to the specific prohibitions in § 55.015(B)(1), (B)(4) and (B)(8).  
(Prior Code, § 54-389) (Ord. passed 6-3-2003)

**§ 55.127 BYPASS.**

(A) *User may allow.* A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (B) and (C) below.

(B) *Notice.*

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW Director, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the POTW Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(C) *Prohibition of bypass.*

(1) Bypass is prohibited, and the POTW Director may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This

condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under division (B) above.

(2) The POTW Director may approve an anticipated bypass, after considering its adverse effects, if the POTW Director determines that it will meet the three conditions listed in division (C)(1) above. (Prior Code, § 54-390) (Ord. passed 6-3-2003)

**§ 55.999 PENALTY.**

(A) Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations and permits issued hereunder, may be fined up to \$25,000 per day per violation.

(B) In determining the amount of the civil penalty, the POTW Director shall consider the following:

(1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;

(2) The duration and gravity of the violation;

(3) The effect on groundwater or surface water quantity or quality or on air quality;

(4) The cost of rectifying the damage;

(5) The amount of money saved by noncompliance;

(6) Whether the violation was committed willfully or intentionally;

(7) The prior record of the violator in complying or failing to comply with the pretreatment program;

and

(8) The costs of enforcement to the town.

(C) Appeals of civil penalties assessed in accordance with this section shall be as provided in § 55.056(B)(8). (Prior Code, § 54-354) (Ord. passed 6-3-2003)